

## REMARKS

The Final Office Action mailed November 2, 2005 has been carefully reviewed. On the basis of the following amendments and remarks, reconsideration of the claim rejections and allowance of all of the presently pending claims are respectfully requested.

### The Claims

Claims 1-25 are pending.

The following amendments have been made to place the claims into condition for the issuance of a Notice of Allowance:

Claim 1 has been amended to clarify the claimed rigid foam over the prior art. Specifically, unlike the known prior art wherein the foam is utilitarian in structure, serving the sole purpose of receiving flowers and being substantially covered or hidden from view, the instant foam has a decorative structure which not only supports decorative elements, but is itself formed into a *decorative structure which is readily visible*.

Claims 3, 5, and 8 have been rewritten in independent form in the manner indicated by the Examiner as being allowable.

Claims 24 and 25 have been cancelled, without prejudice.

### The Invention

The present invention has provided a unique method for making a decorative arrangement by providing a wet foam, partially curing the wet foam to create a nodule as defined at Page 5, Line 22 of the Specification. The nodule, as an integral part of the completed arrangement, is *readily visible*. (Page 8, Lines 19-20 of the Specification). Accordingly, contrary to known decorative arrangements, the instant foam is *formed into a desired shape, the structure of which is decorative because it is intentionally readily visible*. (See, for example, Figures 14 and 15, and the corresponding disclosure at Page 8, Lines 13-23 describing the nodule as having, for example and without limitation, a charred decorative structure which replicates wood). Furthermore, a plurality of decorative elements as defined at Page 5, Line 29, of the Specification, may be added to the nodule.

### ALLOWABLE SUBJECT MATTER

Claims 3, 5 and 8 have been hereby rewritten in independent form to include all of the limitations of the rejected base claim and any intervening claims, in the manner stated by the Examiner to be allowable.

**Claims 1, 2, 4, 6, 7, and 9-25: Rejected Under 35 U.S.C. 103(a)**

Claims 1, 2, 4, 6, 7 and 9-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laurenson (FR 2454752) in view AAPA.

Among other reasons which were addressed previously in Applicant's Amendment of August 15, 2005, the claimed invention is patentable over the Laurenson reference and the other prior art discussed in Applicant's disclosure because such prior art fails to teach or suggest foam which both functions to support decorative elements, and simultaneously is made to form a decorative structure which is readily visible.

Conversely, Laurenson teaches a utilitarian material which clearly is not intended to form a readily visible decorative structure, but rather to serve the sole function of receiving flowers. This view is supported by the fact that Laurenson teaches the material being substantially covered by either a plate 6 (Figure 5), a plastic wrap 5 (see, for example, Figures 1-3, and 6), containers (Figures 7-10), or a combination thereof (Figures 4, 5, 6 and 10). In any event, the Laurenson reference clearly fails to teach or suggest the foam being formed into the *decorative and readily visible structure* of the invention and, in fact, the arbitrarily shaped, substantially hidden material taught by Laurenson teaches away therefrom.

This view is further confirmed by Applicant's Specification, for example, at Page 2, Line 27 through Page 3, Line 2 wherein Applicant specifically addresses and distinguishes the Laurenson reference noting among other things, that the material taught is "not highly visible in view of its being positioned within a container and having plurality of flowers concealing the same." The Applicant goes on to note that "[o]ne of the features of the present invention is to provide nodules which are sufficiently attractive as to be positioned within the decorative arrangement *in a highly visible location*" (emphasis added)(paragraph 61 of Applicant's specification; Figures 11, and 13-15 stating that the foam is highly visible so as to form an integral part of the arrangement). Moreover, at Page 8, Lines 13-23 Applicant discloses a specific example wherein the nodule has a charred decorative structure which replicates wood. As shown in corresponding Figures 14 and 15, this decorative foam is formed to be readily visible.

Independent Claim 1 has been amended to clarify the foregoing distinction by reciting, *inter alia*, forming the nodule to *have a decorative structure which is readily visible*. This amendment addresses and overcomes the Examiner's statement at Page 3, Paragraph 1 of the November 2, 2005 Office Action that "the nodule being used as decorative foam is considered intended use" and that a structural difference over the prior art must be claimed in order to be patentable. Such a distinction is now claimed. Moreover, it is not the

intended use that is relevant, but the claimed step of the *foam being formed into a decorative structure which is readily visible*. In other words, this process/method, regardless of the end use of the product it produces, patentably distinguishes over the prior art teachings of an arbitrarily shaped, covered or substantially hidden material. (See, for example, Figure 5 of Laurenson wherein the material is covered by plate 6). It is, therefore, submitted that Claim 1, as amended is patentable over the prior art applied.

Claims 2, 4, 6, 7, and 9-22 depend from amended independent Claim 1 and through such dependency, are also patentable over the references. Claims 6, 7, 9-11, 13-14, 16-17 and 22 are not separately asserted to be patentable apart from their dependency on Claim 1. Claims 24 and 25 have been cancelled. Claims 2, 4, 8, 12, 15, 18 and 19-21 are further patentable over the references for the following reasons.

Regarding Claim 2, there is no teaching or suggestion in Laurenson or in the disclosed prior art, whether considered individually or in combination, to make the decorative arrangement by sequentially applying portions of at least some of the decorative elements to the nodule prior to complete drying of the nodule to convert it to rigid foam.

With respect to Claim 4, surface mounting of a decorative element as defined in Applicant's specification is not taught or suggested in the prior art references, which clearly contemplate stems of flowers penetrating the malleable material.

Regarding Claim 12, the references do not teach or suggest the wet foam, when partially cured, having the capability to secure the decorative elements in the arrangement. Such capability is achieved by the foam, independently, without requiring a separate supporting structure (e.g., nails, a container, a plate 6 (Figure 5) or a wrap) as taught, for example, by Laurenson.

Claim 15 recites the preferred temperature and drying time for drying the wet foam of the invention. Such recital which could, for example, relate to the particular decorative structure being formed, is not taught or suggested by the reference.

With regard to Claim 18, there is nothing in the teaching of the prior art references, whether considered individually or in combination, that suggests employing additional ornaments on the readily visible foam.

With respect to Claim 19, the references do not teach or suggest the step of applying additional wet foam and additional decorative elements. Conversely, Laurenson teaches the material being wrapped or otherwise covered and, therefore, expressly teaches away from Claim 19. The same is true with respect to Claim 20, which is, therefore, further distinguishable over the references for similar reasons.

Regarding Claim 21, there is no teaching in the art of record to create depressed portions within the surface of the nodule as contemplated by the invention. In fact, the covered nature of the material of the Laurenson reference teaches away from creating such depressions for the purposes of *readily visible decoration*.

**Claim 23: Rejected Under 35 U.S.C. 103(a)**

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Laurenson/AAPA as applied to Claim 1 above, and further in view of Harris (U.S. Patent 4,941,572).

With regard to Claim 23, the Examiner focuses on a combination of Laurenson and admitted prior art in view of Harris for the purpose of rendering obvious foam “having different colors.” Applicant’s Claim 23 recites *painting portions of the exterior of the nodule*. It is submitted, therefore, that the Harris reference, which at best teaches the foam itself having different colors (column 4, lines 60-63 disclosing that “the foam can be colored, for example green or brown”), not the *exterior of the foam being painted*, adds nothing to the other references to render Claim 23 obvious. None of the references teach or suggest the exterior of the foam being painted, as recited.

In view of the foregoing, reconsideration and allowance of all of the remaining pending claims, Claims 1-23, is requested.

### **MISCELLANEOUS**

The prior art made of record, but not relied on, has been reviewed, but is not believed to be more relevant than the applied art.

### **SUMMARY AND CONCLUSIONS**

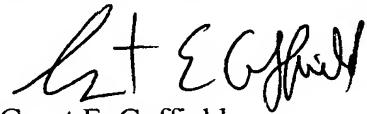
Claims 3, 5 and 8 have been hereby rewritten in independent form to include all of the limitations of the rejected base claim and any intervening claims, in the manner stated by the Examiner to be allowable.

Claims 24-25 have been cancelled.

It is respectfully submitted for the foregoing reasons that amended independent Claim 1 and all of the dependent claims, Claims 2-23, which depend directly or indirectly from Claim 1, are patentably distinct from the applied art, whether considered individually or in combination.

Accordingly, it is submitted that the application is now in proper form for issuance of a Notice of Allowance. Such action is respectfully requested at an early date.

Respectfully submitted,



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